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EXAMINER

COLAN, GIOVANNA B

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/673,681	Applicant(s) MARMAROS ET AL.	
	Examiner GIOVANNA COLAN	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-9, 11, 13-14, 17-22, and 60-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-9, 11, 13-14, 17-22, and 60-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is issued in response to the Amendment filed on 03/23/2009.
2. Claims 1, 6, 8, 9, 17, 19, 20, 21, 22, 61, 62, 66, 69, 70, 71, 72, and 73 were amended. Claims 7, 10, 12, 15 – 16, and 23 – 59 were canceled. Claims 74 – 75 were added.
3. This action is made Final.
4. Claims 1 –6, 8-9, 11, 13 – 14, 17 – 22, and 60 – 75 are pending in this application.

Response to Arguments

5. Applicant's arguments filed 03/23/2009 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1 –6, 8, 11, 13, 17 – 22, and 60 – 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awadallah et al. (Awadallah hereinafter) (US Patent App. Pub. 2005/0027699 A1, filed on August 1, 2003) in view of Maddalozzo, Jr. et al. (Maddalozzo hereinafter) (US 6,460,060, filed: January 26, 1999) and further in view of Holt et al. (Holt hereinafter) (US 6,606,061).

Regarding Claims 1, Awadallah discloses a method, comprising from a user:

Receiving, by a processor of the device, search results from a user (Fig. 1, item 102 and 152, Page 4, [0041], lines 1 – 2, Awadallah);

Receiving, by the processor, search results, as first search results, responsive to the search query (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah);

Awadallah further discloses history database storing information regarding documents previously accessed by the user (Page 4 and 5, [0039] and [0051], lines 6 – 15 and 12 – 15, a previous search history; respectively, Awadallah) and performing, the processor, a search of a database using the search query obtain search results, as second-search results (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah). However, Awadallah does not expressly disclose: performing this search to a history database. On the other hand, Maddalozzo

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discloses: performing, by a processor, a search to a history database using the search query to obtain search results as second-search results, the history database storing information regarding documents previously accessed by the user (Abstract: “generates a search list from URLs in the browser’s bookmark and/or history files and automatically accesses and searches each URL...”, and Col. 2, lines 37 – 45, Maddalozzo). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Maddalozzo’s teachings to the system of Awadallah, as suggested by Maddalozzo (Col. 2, lines 11 – 19, Maddalozzo), to provide pertinent list to search previously visited web pages based on specific parameters define by a user, to search at least according to: specified keywords, the last, n number of pages visited and a date specific time frame in conjunction with keyword searches.

Furthermore, the combination of Awadallah in view of Maddalozzo discloses comparing, by the processor, information corresponding to the second- search results to information corresponding to the first-search results to determine whether information corresponding to one of the second-search results matches information corresponding to one of the first-search results (Page 5, lines 7 – 13, Awadallah);

adding, by the processor, the one of the second-search results to the first-search results when the information corresponding to the one of the second-search results does not match information corresponding to any of the first-search results (Page 6, [0065], lines 20 – 28, Awadallah¹).

¹ Wherein the step of combining the listing of search results corresponds to the step of adding the results claimed.

The combination of Awadallah in view of Maddalozzo also discloses: moving a position of the one of the first search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah). However, the combination of Awadallah in view of Maddalozzo does not explicitly disclose modifying the one of the first-search results, for which the corresponding information matches the information corresponding to the one of the second-search results. On the other hand, Holt discloses: modifying, by a processor, the one of the first-search results, for which the corresponding information matches the information to one of the second-search results, within the first-search results by moving the one of the first-search results a particular number of positions within the first-search results when information corresponding to the one of the second-search results matches the information corresponding to the one of the first-search results (Col. 4, lines 56 – 65, and Col. 5, 34 – 55, “before removing duplicates, **the number of duplicates for a result is counted so as to determine a relative referencing ranking of a duplicated result...ranking suggests a relative popularity or relevance of a result, and this ranking can be used, either automatically or per user preference, to sort results...**”; Holts discloses ranking and sorting which implies ordering, reordering, and/or moving a particular number of positions as claimed; Holt). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Holt’s teachings to the system of the combination of Awadallah in view of Maddalozzo, to reliably index and retrieve data from extend search source (Col. 2, lines 35 – 36, Holt).

Furthermore, the combination of Awadallah in view of Maddalozzo and further in view of Holt (Awadallah/Maddalozzo/Holt hereinafter) discloses:

outputting, by the processor, the first-search results with the added second-search result or the modified second-search result (Page 2 and 5, [0020] and [0052], lines 1 – 8 and 13 – 19; respectively, Awadallah; Abstract: “Web pages containing the target keywords are then displayed...”, Maddalozzo; and Fig. 3, item 310, Holt).

Regarding Claims 2, Awadallah/Maddalozzo/Holt discloses a method, where the receiving search results, as first-search results includes:

transmitting the search query to an external search engine (Fig. 1, item 152, Page 4, [0041], lines 1 – 2, Awadallah), the search engine generating the first search results (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah),

intercepting the first-search results (Page 4, [0044], lines 5 – 9, Awadallah), and parsing the first-search results to identify information contained in the first-search results (Page 4, [0044], lines 5 – 9, selected from candidate results, Awadallah).

Regarding Claims 3, Awadallah/Maddalozzo/Holt discloses a method, where the performing a search of history database includes:

identifying one or more search terms used in the search query (Fig. 1, item 102 and 152, Page 4, [0041], lines 1 – 2, Awadallah),

using the one or more search terms to search the history database (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively,

Awadallah; and Abstract: “generates a search list from URLs in the browser’s bookmark and/or history files and automatically accesses and searches each URL...”, and Col. 2, lines 37 – 45, Maddalozzo).

Regarding Claims 4, Awadallah/Maddalozzo/Holt discloses a method, where the one or more search terms are identified from information returned from a search engine (Page 2, [0023], lines 1 – 4, Awadallah).

Regarding Claims 5, Awadallah/Maddalozzo/Holt discloses a method, where the first-search results include links to documents (Page 2, [0020], lines 5 – 8, the links comprise the search results, documents, Awadallah).

Regarding Claims 6, Awadallah/Maddalozzo/Holt discloses a method, further comprising:

ranking the second-search results by at least one of: date on which documents, corresponding to the second-search results, were previously accessed by the user; relevancy of documents, corresponding to the second-search-results, to the search query; ratings, assigned by the user, for documents corresponding to the second-search results; a frequency at which the user accesses documents corresponding to the second-search results; or an amount of time that the user spent accessing documents corresponding to the second-search results (Col. 7, lines 35 – 44, Maddalozzo).

Regarding Claims 8, Awadallah/Maddalozzo/Holt discloses a method, where the adding the top one of the second-search results includes:

placing the top one or more of the second-search results at a position at or near a top of the first-search results (Page 4, [0045], lines 1 – 5, Awadallah; Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt).

Regarding Claims 11, Awadallah/Maddalozzo/Holt discloses a method, where the modifying the one of the first-search results includes:

moving a position of the first-search results within the first-search results a predetermined number of positions towards a top of the first-search results (Page 5, [0045], lines 13 – 17 and 7 – 13, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 55, “before removing duplicates, **the number of duplicates for a result is counted so as to determine a relative referencing ranking** of a duplicated result...**ranking suggests a relative popularity or relevance of a result, and this ranking can be used, either automatically or per user preference, to sort results...**”; Holts discloses ranking and sorting which implies ordering, reordering, and/or moving a particular number of positions as claimed; Holt).

Regarding Claims 13, Awadallah/Maddalozzo/Holt discloses a method, where the predetermined number of positions is user-configurable (Page 5, [0052], lines 9 – 13, Awadallah; and Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 55, “before removing duplicates, the number of duplicates for a

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result is counted so as to determine a relative referencing ranking of a duplicated result...ranking suggests a relative popularity or relevance of a result, and this ranking can be used, **either automatically or per user preference, to sort results...**"; Holts discloses ranking and sorting which implies ordering, reordering, and/or moving a particular number of positions as claimed; Holt).

Regarding Claims 17, Awadallah/Maddalozzo/Holt discloses method, where the second search results are associated with documents stored locally in one or more memory devices associated with the device performing the method (Page 2, [0020], lines 5 – 8, Awadallah).

Regarding Claims 18, Awadallah/Maddalozzo/Holt discloses a method, where the locally-stored documents include at least one of e-mails, images, application files, audio files, and video files (Page 2, [0020], lines 5 – 8, Awadallah).

Regarding Claims 19, Awadallah/Maddalozzo/Holt discloses a method, where the second-search results are associated with first documents that are stored locally to the device performing the method, and second documents that are not stored locally to the device (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt).

Regarding Claims 20, Awadallah/Maddalozzo/Holt discloses a device, comprising:

a processor (Fig. 3, Awadallah); and

a memory (Fig. 3, Awadallah);

at least one of the processor or the memory (Fig. 3, Awadallah) implementing:

means for obtaining search results, as first-search results, based at least in part on a search performed on a document corpus using a search query from a user (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah);

means for generating search results, as second-search results based at least in part on a search performed, using the search query, on information regarding documents previously accessed by the user (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah; and Abstract: “generates a search list from URLs in the browser’s bookmark and/or history files and automatically accesses and searches each URL...”, and Col. 2, lines 37 – 45, Maddalozzo);

means for determining whether information corresponding to any of the second-search results match information corresponding the first-search results (Page 5, lines 7 – 13, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt);

means for adding the one or more of the second-search results to the first-search results when the information corresponding to the one or more of second-search results

do not match any of the information corresponding to the first-search results (Page 6, [0065], lines 20 – 28, Awadallah²);

means for modifying one of the first-search results by moving the one of the first-search results a particular number of positions towards a bottom the first-search results when information corresponding to one of the second-search results matches information corresponding the one of the first-search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 55, “before removing duplicates, **the number of duplicates for a result is counted so as to determine a relative referencing ranking of a duplicated result...ranking suggests a relative popularity or relevance of a result, and this ranking can be used, either automatically or per user preference, to sort results...**”; Holts discloses ranking and sorting which implies ordering, reordering, and/or moving a particular number of positions towards a bottom as claimed; Holt);

means for outputting the first-search results with the added one or more second-search results or the modified one of the first-search results (Page 2 and 5, [0020] and [0052], lines 1 – 8 and 13 – 19; respectively, Awadallah; Abstract: “Web pages containing the target keywords are then displayed...”, Maddalozzo; and Fig. 3, item 310, Holt).

Regarding Claims 21, Awadallah/Maddalozzo/Holt discloses a system, comprising:

² Wherein the step of combining the listing of search results corresponds to the step of adding the results

One or more memory devices storing a history database that includes information regarding document previously accessed by a user (Page 4 and 5, [0039] and [0051], lines 6 – 15 and 12 – 15, a previous search history; respectively, Awadallah; and Abstract: “generates a search list from URLs in the browser’s bookmark and/or history files and automatically accesses and searches each URL...”, and Col. 2, lines 37 – 45, Maddalozzo); and a browser assistant (Page 4, [0040], lines 1 – 2, browser, Awadallah) to:

obtain search results, as first-search results, based at least in part on a search performed on a document corpus using a search query (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah),

obtain search results, as second-search results based at least in part on a search performed on the history database using the search query (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah; and Abstract: “generates a search list from URLs in the browser’s bookmark and/or history files and automatically accesses and searches each URL...”, and Col. 2, lines 37 – 45, Maddalozzo),

determine whether any of the second-search results is included the first-search results (Page 5, lines 7 – 13, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt);

add the one or more of the second-search results to the first-search results when one of the second-search results is not included within the first-search results (Page 6, [0065], lines 20 – 28, Awadallah³);

modify one of the first-search results, for which information that corresponds to the one of the first-search results matches information corresponding to the one of the second-search results, by moving the one of the first-search results a particular number of positions toward a top of the first-search results when the one of the second-search results is included within the first-search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 55, “before removing duplicates, **the number of duplicates for a result is counted so as to determine a relative referencing ranking** of a duplicated result...**ranking suggests a relative popularity or relevance of a result, and this ranking can be used, either automatically or per user preference, to sort results...**”; Holts discloses ranking and sorting which implies ordering, reordering, and/or moving a particular number of positions towards a top as claimed; Holt); and

present either the first-search results with the added one or more second-search results or the modified one of the first-search results to the user (Page 2 and 5, [0020] and [0052], lines 1 – 8 and 13 – 19; respectively, Awadallah; Abstract: “Web pages containing the target keywords are then displayed...”, Maddalozzo; and Fig. 3, item 310, Holt).

³ Wherein the step of combining the listing of search results corresponds to the step of adding the results

Regarding Claims 22, Awadallah/Maddalozzo/Holt discloses a memory device that stores instructions executable by at least one processor to perform a method for providing search results, the memory device comprising:

instructions for obtaining a search query (Fig. 1, item 152, Page 4, [0041], lines 1 – 2, Awadallah);

instructions for obtaining search results, as first-search results based at least in part on an Internet search performed using the search query (Fig. 1, item 154, Page 4, [0036] and [0041], lines 2 – 4, Awadallah);

instructions for performing a search to a history database using the search query to obtain search results, as second-search results, the history database storing information regarding documents previously accessed by the user (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah; and Abstract: “generates a search list from URLs in the browser’s bookmark and/or history files and automatically accesses and searches each URL...”, and Col. 2, lines 37 – 45, Maddalozzo);

instructions for comparing information corresponding to the second- search results to information corresponding to the first-search results to determine whether information corresponding to one of the second-search results matches information to one of the first-search results (Page 5, lines 7 – 13, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt);

instructions for adding the one of the second-search results to the first-search results when the information corresponding to the one of the second-search results does not match information corresponding to any of the first-search results (Page 6, [0065], lines 20 – 28, Awadallah⁴);

instructions for modifying one of the first-search results, for which corresponding information matches the information corresponding to the one of the second-search results, by moving the one of the first-search results a particular number of positions within of the first-search results when the information corresponding to the one of the second-search results matches information corresponding to the one of the first-search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 55, “before removing duplicates, **the number of duplicates for a result is counted so as to determine a relative referencing ranking** of a duplicated result...**ranking suggests a relative popularity or relevance of a result, and this ranking can be used, either automatically or per user preference, to sort results...**”; Holts discloses ranking and sorting which implies ordering, reordering, and/or moving a particular number of positions as claimed; Holt); and

instructions for presenting the first-search results with the added one of the second-search results or the first-search results with the modified one of the first-search results (Page 2 and 5, [0020] and [0052], lines 1 – 8 and 13 – 19; respectively, Awadallah; Abstract: “Web pages containing the target keywords are then displayed...”, Maddalozzo; and Fig. 3, item 310, Holt).

⁴ Wherein the step of combining the listing of search results corresponds to the step of adding the results

Regarding Claims 60, Awadallah/Maddalozzo/Holt discloses a method, further comprising:

obtaining one or more advertisements relating to the search query (Page 2 and 5, [0020] and [0046], lines 14 – 18 and 1 – 4; respectively, “a search results page may contain advertisements that were generated in response to a query”, Awadallah); and

presenting the first-search results with the added second-search result or the modified first-search result (Page 2, [0020], lines 1 – 18, links displayable on a webpage, Awadallah), and the one or more advertisements (Page 5, [0046], lines 1 – 4, Awadallah).

Regarding Claims 61, Awadallah/Maddalozzo/Holt discloses a method, where the obtaining one or more advertisements includes:

sending the search query to an external server that is separate from the device that is performing the method (Page 4, [0040], lines 5 – 10, Awadallah), and

obtaining, from the external server, the one or more advertisements that relate to the search query (Page 5, [0046], lines 1 – 7, Awadallah).

Regarding Claims 62, Awadallah/Maddalozzo/Holt discloses a method, where the performing the search of the history database includes:

performing a local search, within one or more memory devices associated with the device that is performing the method, using the search query and without transmitting the search query on a network (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah).

Regarding Claims 63, Awadallah/Maddalozzo/Holt discloses a method, where receiving search results, as the first-search results includes:

transmitting the search query on a network to an external search engine (Fig. 1, item 102 and 152, Page 4, [0041], lines 1 – 2, Awadallah), and

receiving the first-search results from the external search engine (Fig. 1, item 154, Page 4, [0036] and [0041], lines 2 – 4, Awadallah); and

where performing the search of the history database includes:

performing a local search of the history database without transmitting the search query on the network to obtain the second-search results (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah; and Abstract: “generates a search list from URLs in the browser’s bookmark and/or history files and automatically accesses and searches each URL...”, and Col. 2, lines 37 – 45, Maddalozzo).

Regarding Claim 64, Awadallah/Maddalozzo/Holt discloses a method, further comprising:

providing an option to the user, selection of the option causing the modifying of the one of the first-search results within the first-search results to be turned off (Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt).

Regarding Claim 65, Awadallah/Maddalozzo/Holt discloses a device, where the means for modifying the one of the first-search results includes means for moving the position of the one of the first-search results a particular number of positions towards a top of the first-search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt).

Regarding Claim 66, Awadallah/Maddalozzo/Holt discloses a device, where the means for modifying the one of the first-search results includes means for moving the one of the first-search results a particular number of positions towards a bottom of the first-search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 55, “before removing duplicates, **the number of duplicates for a result is counted so as to determine a relative referencing ranking** of a duplicated result...**ranking suggests a relative popularity or relevance of a result, and this ranking can be used, either automatically or per user preference, to sort results...**”; Holts discloses ranking and sorting which implies ordering, reordering, and/or moving a particular number of positions towards a bottom as claimed; Holt).

Regarding Claim 67, Awadallah/Maddalozzo/Holt discloses a system, where, when obtaining search results, as the second-search results, the browser assistant is configured to perform the search of the history database, using the search query, without transmitting the search query on a network (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah; and Abstract: “generates a search list from URLs in the browser’s bookmark and/or history files and automatically accesses and searches each URL...”, and Col. 2, lines 37 – 45, Maddalozzo).

Regarding Claim 68, Awadallah/Maddalozzo/Holt discloses a system, where the browser assistant is further configured to provide an option for causing the modifying of the one of the first-search results to be turned off (Page 4, [0045], lines 1 – 5, Awadallah; Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt).

Regarding Claim 69, Awadallah/Maddalozzo/Holt discloses a memory device, where the instructions for modifying the one of the first-search results includes instructions for moving the position of the one of the first-search results a particular number of positions towards a top of the first- search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt).

Regarding Claim 70, Awadallah/Maddalozzo/Holt discloses a memory device, further comprising:

instructions for providing an option to the user, selection of the option causing the modifying of the one of the first-search results to be turned off (Page 4, [0045], lines 1 – 5, Awadallah; Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt).

Regarding Claim 71, Awadallah/Maddalozzo/Holt discloses a memory device that stores instructions executable by at least one processor, the memory device comprising:

one or more instructions to receive a search query from a user (Fig. 1, item 102 and 152, Page 4, [0041], lines 1 – 2, Awadallah);

one or more instructions to transmit the search query on a network to obtain search results, as first-search results, based at least in part on a search performed using the search query (Fig. 1, item 154, Page 4, [0041], lines 2 – 4, Awadallah);

one or more instructions to perform a search of a history database, using the search query, to obtain search results, as second-search results, the history database storing information regarding documents previously accessed by the user (Page 4, [0041] and [0040], lines 4 – 8 and 1 – 10; candidate search results; respectively, Awadallah; and Abstract: “generates a search list from URLs in the browser’s bookmark and/or history files and automatically accesses and searches each URL...”, and Col. 2, lines 37 – 45, Maddalozzo);

one or more instructions to determine that information corresponding to one of the second-search results matches information corresponding to one of the first-search

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results within the first-search results (Page 5, lines 7 – 13, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt);

one or more instructions to move the one of the first-search results a particular number of positions within the first-search results to create modified first-search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 55, “before removing duplicates, **the number of duplicates for a result is counted so as to determine a relative referencing ranking** of a duplicated result...**ranking suggests a relative popularity or relevance of a result, and this ranking can be used, either automatically or per user preference, to sort results...**”; Holts discloses ranking and sorting which implies ordering, reordering, and/or moving a particular number of positions as claimed; Holt); and

one or more instructions to present the modified first-search results to the user (Page 2 and 5, [0020] and [0052], lines 1 – 8 and 13 – 19; respectively, Awadallah; Abstract: “Web pages containing the target keywords are then displayed...”, Maddalozzo; and Fig. 3, item 310, Holt).

Regarding Claim 72, Awadallah/Maddalozzo/Holt discloses a memory device, where the one or more instructions to move the one of the first-search results includes one or more instructions to move the position of the one of the first-search results a particular number of positions towards a top of the first-search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt).

Regarding Claim 73, Awadallah/Maddalozzo/Holt discloses a memory device, where the one or more instructions to move the one of the first-search results includes one or more instructions to move the position of the one of the first-search results to a particular number of positions towards a bottom of the first-search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 55, “before removing duplicates, **the number of duplicates for a result is counted so as to determine a relative referencing ranking** of a duplicated result...**ranking suggests a relative popularity or relevance of a result, and this ranking can be used, either automatically or per user preference, to sort results...**”; Holts discloses ranking and sorting which implies ordering, reordering, and/or moving a particular number of positions as claimed; Holt).

Regarding Claim 74, Awadallah/Maddalozzo/Holt discloses a system, where, when modifying the one of the first-search results, the browser assistant is configured to:

determine a number of times that a document corresponding to the one of the first-search results has been accessed by the user (Col. 7, lines 35 – 44, Maddalozzo; and Col. 9, lines 1 – 15, and 40 – 58, “...frequency of searches...”, Holt), and

move a position of the one of the first-search results in proportion to the number of times that the document corresponding to the one of the first-search results has been accessed by the user (Col. 7, lines 35 – 44, Maddalozzo; and Col. 9, lines 1 – 15, and

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40 – 58, “...frequency of searches...”, Holt; and Col. 4, lines 56 – 65, and Col. 5, 34 – 55; Holts).

Regarding Claim 75, Awadallah/Maddalozzo/Holt discloses a system, where, when modifying the one of the first-search results, the browser assistant is configured to:

determine an amount of time that the user spent accessing a document corresponding to the one of the first-search results (Col. 7, lines 35 – 44, Maddalozzo; and Col. 9, lines 1 – 15, and 40 – 58, “...duration metric for time user spent on any one of the items...”, Holt), and

move a position of the one of the first-search results in proportion to the amount of time that the user spent accessing the document corresponding to the one of the first-search results results (Col. 7, lines 35 – 44, Maddalozzo; and Col. 9, lines 1 – 15, and 40 – 58, “...duration metric for time user spent on any one of the items...”, Holt; and Col. 4, lines 56 – 65, and Col. 5, 34 – 55; Holt).

9. Claims 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awadallah et al. (Awadallah hereinafter) (US Patent App. Pub. 2005/0027699 A1, filed on August 1, 2003), in view of Maddalozzo, Jr. et al. (Maddalozzo hereinafter) (US 6,460,060, filed: January 26, 1999), in view of Holt et al. (Holt hereinafter) (US 6,606,061), and further in view of Carolan et al. (Caronal hereinafter) (US 2004/0133440 A1, filed August 22, 2003).

Regarding Claims 9, Awadallah/Maddalozzo/Holt discloses all the limitations as discussed above including the one of the second-search results at the position at or near a top of the first-search results (Page 4, [0045], lines 1 – 5, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 50, Holt). However, Awadallah/Maddalozzo/Holt does not explicitly disclose highlighting. On the other hand, Carolan discloses the feature of highlighting the results (Page 20, [0260], Carolan). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Carolan's teachings to the system of Awadallah/Maddalozzo/Holt. Skilled artisan would have been motivated to do so, as suggested by Carolan (Page 20, [0260], Carolan), to facilitate browsing of the listings by the user.

Regarding Claims 14, the combination of Awadallah in view Maddalozzo in view of Holt and further in view Carolan (Awadallah/Maddalozzo/Holt/Carolan hereinafter) discloses a method, where the modifying the one of the first-search results further includes:

highlighting the one of the second-search results within the first-search results (Page 4, [0045], lines 1 – 5, Awadallah; and Page 20, [0260], Carolan).

Response to Arguments

10. Applicant argues that the applied art fails to disclose; “modifying, by a processor, the one of the first-search results, for which the corresponding information matches the information corresponding to the one of the second-search results, within the first-search results by moving the one of the first-search results a particular number of positions within the first-search results when information corresponding to one of the second-search results matches information corresponding the one of the first-search results”.

Examiner respectfully disagrees. Awadallah/Maddalozzo/Holt does disclose: modifying, by a processor, the one of the first-search results, for which the corresponding information matches the information corresponding to the one of the second-search results, within the first-search results by moving the one of the first-search results a particular number of positions within the first-search results when information corresponding to one of the second-search results matches information corresponding the one of the first-search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 55, “before removing duplicates, **the number of duplicates for a result is counted so as to determine a relative referencing ranking** of a duplicated result...**ranking suggests a relative popularity or relevance of a result, and this ranking can be used, either automatically or per user preference, to sort results...**”; Holts discloses ranking and sorting which implies ordering, reordering, and/or moving a particular number of positions as claimed; Holt).

11. Applicant argues that; "the Examiner has provided not explanation of how moving a position of a search result achieves the alleged benefit of 'reliably index and retrieve ...'".

Examiner respectfully disagrees. As stated in the Office Action dated 12/23/2008, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Holt's teachings with respect to moving positions to the system of the combination of Awadallah in view of Maddalozzo, to reliably index and retrieve data from extend search source (Col. 2, lines 35 – 36, Holt). Additionally, the examiner makes note that it would have been obvious to one of ordinary skill in the art at the time the invention was made to make such combination in order to suggest a relative popularity or relevance of the result (Col. 5, lines 46 – 55, Holt); and to return to the user search results in a distilled format (to quickly determine the relevance of particular search results) (Col. 3, lines 34 – 53, Holt).

12. Applicant argues that; "means for modifying one of the first-search results by moving the one of the first-search results a particular number of positions towards a bottom the first-search results when information corresponding to one of the second-search results matches information corresponding the one of the first-search results".

Examiner respectfully disagrees. Awadallah/Maddalozzo/Holt does disclose: means for modifying one of the first-search results by moving the one of the first-search results a particular number of positions towards a bottom the first-search results when information corresponding to one of the second-search results matches information

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corresponding the one of the first-search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 55, “before removing duplicates, **the number of duplicates for a result is counted so as to determine a relative referencing ranking** of a duplicated result...**ranking suggests a relative popularity or relevance of a result, and this ranking can be used, either automatically or per user preference, to sort results...**”; Holts discloses ranking and sorting which implies ordering, reordering, and/or moving a particular number of positions towards a bottom as claimed; Holt).

13. Applicant argues that; “means for modifying one of the first-search results by moving the one of the first-search results a particular number of positions towards a top of the first-search results when information corresponding to one of the second-search results matches information corresponding the one of the first-search results”.

Examiner respectfully disagrees. Awadallah/Maddalozzo/Holt does disclose: means for modifying one of the first-search results by moving the one of the first-search results a particular number of positions towards the top of the first-search results when information corresponding to one of the second-search results matches information corresponding the one of the first-search results (Page 4, [0045], lines 1 – 5, ranking, Awadallah; and Col. 4, lines 56 – 65, and Col. 5, 34 – 55, “before removing duplicates, **the number of duplicates for a result is counted so as to determine a relative referencing ranking** of a duplicated result...**ranking suggests a relative popularity or relevance of a result, and this ranking can be used, either automatically or per**

user preference, to sort results..."; Holts discloses ranking and sorting which implies ordering, reordering, and/or moving a particular number of positions towards a top as claimed; Holt).

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Points Of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIOVANNA COLAN whose telephone number is (571)272-2752. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Giovanna Colan
Examiner
Art Unit 2162
July 16, 2009

/John Breene/
Supervisory Patent Examiner, Art Unit 2162